

JONES-HAMILTON CO.

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August 28, 2009

VIA FEDERAL EXPRESS

Ms. Jamie Bradsher, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

RECEIVED
JUL 29 - 8 AM 8:05
SUPERFUND DIV
TECHNICAL & ENFORCEMENT
BRANCH (6SF-T)

Re. Jones-Hamilton Co
Response to Request for Information Pursuant to Section 104(e) of the
Comprehensive Environmental Response, Compensation and Liability Act
of 1980, as amended ("CERCLA" or "Superfund," 42 United States Code
(U.S.C.) § 9601, et. seq.)

Site: Norphlet Chemical Superfund Site
Norphlet, Union County, Arkansas
SSID No A6N8

Dear Ms Bradsher.

~~Pursuant to correspondence dated July 15, 2009 from Samuel Coleman of Region 6 of the~~
United States Environmental Protection Agency ("U S EPA"), and without admission of any fault,
violation, or liability, and with full reservation of any and all defenses and objections, Jones-
Hamilton Co. ("JHC") hereby submits its responses to U.S EPA's Request for Information
regarding the Norphlet Chemical Superfund Site located in Norphlet, Arkansas ("Information
Request"). JHC's responses are based on a thorough review of the relevant records in its
custody, control, or possession, and on discussions with appropriate JHC personnel and
employees

To the extent that additional relevant information is discovered, JHC will provide it to your
office promptly.

Very truly yours,



Robert L James
President & CEO

Enclosures

cc Richard E Wolff, Esq.
Shane A Farolino, Esq

9792035



Responsible Care
A 100 Commitment

**JONES-HAMILTON CO.'S RESPONSE TO U.S. EPA'S REQUEST FOR
INFORMATION FOR THE NORPHLET CHEMICAL SUPERFUND SITE
LOCATED IN NORPHLET, ARKANSAS**

Jones-Hamilton Co. ("JHC") hereby responds to U.S. EPA's Information Request with regard to the Norphlet Chemical Superfund Site located in Norphlet, Arkansas (the "Site").

Before responding to the individual Information Requests, JHC hereby interposes a continuing objection to the Information Request, and the "Instructions" included with the Information Request. To the extent the letter enclosing the Instructions and the Information Requests is deemed to contain instructions to JHC in responding to the Information Requests, JHC objects to this letter as well. JHC interposes this objection because the Information Requests, the Instructions and the cover letter thereto exceed U.S. EPA's information gathering authority pursuant to 42 U.S.C. Section 9604(e).

In addition, JHC hereby reserves the right to raise objections to the Information Requests, including the Instructions and cover letter, in the future.

Subject to and without waiving this objection and reservation of rights, and without admission of any fault, violation, or liability, JHC responds as follows to U.S. EPA's Information Request:

INFORMATION REQUESTS

1. Identify the person(s) that provide the answers to the questions below on behalf of Jones-Hamilton Company (JHC).
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Please be advised that the following individuals are past or present employees of JHC or are its legal counsel. In providing this information, JHC does not consent to the unauthorized contact of its past or present employees without reasonable prior notice to JHC. Further, JHC requests that this information be held as confidential.

RESPONSE:

Robert James
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465
rjames@jones-hamilton.com

President and CEO of Jones-Hamilton Co.

Brian Brooks
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465
bbrooks@jones-hamilton.com

Chief Financial Officer of Jones-
Hamilton Co.

Evert Talbot
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465
etalbot@jones-hamilton.com

Chemical Division Manager of Jones-Hamilton Co.

Richard E. Wolff
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Four SeaGate, Suite 400
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Outside Corporate Counsel for Jones-Hamilton Co.

Shane A. Farolino
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Akron, OH 44308
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Outside Environmental Counsel for Jones-Hamilton Co.

Kelly Espy
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222 S. Main Street
Akron, OH 44308
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kespy@ralaw.com

Outside Environmental Counsel for Jones-Hamilton Co.

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2. Describe any activities and roles of the Jones-Hamilton Company (JHC) at the Norphlet Chemical Inc., Norphlet, Arkansas (NCI) facility (the Site). Identify and produce copies of all documents associated with any JHC activities and roles described in response to this question.

RESPONSE:

JHC began its involvement with Norphlet Chemical Inc. ("NCI") via a third party, Tulstar Products, as a marketer of hydrochloric acid ("HCl"). Early in 2006, Tulstar had the rights to the HCl to be produced at the Site and JHC contracted with them to market the product. In August of 2006, JHC decided to provide financial assistance to NCI and it was at this time that Tulstar gave the rights to the HCl back to NCI. From this point forward, JHC's contract to market the HCl was with NCI. At various points from August of 2006 until September of 2008, JHC loaned funds to NCI. The primary use of the funds was for completion of NCI's plant. In 2007, JHC began to use a portion of the Site as an HCl terminal operation so that JHC could maintain existing business in the area and start the process of developing new local business. This involved taking delivery of HCl from other locations and utilizing the storage tanks and the Site to off load HCl into tank trucks for delivery to local end users. JHC's HCl terminal operations on the Norphlet site ceased in April, 2009.

Copies of the HCI contract, the loan agreements, a record of the HCI transfers at the Site, and all other documents associated with any JHC activities and roles at the Site are included with the response to this Information Request.

To the extent that JHC locates additional documents pertinent to any JHC activities and roles described in response to this question, JHC reserves the right to supplement this answer and all other answers to this Information Request and will produce copies of any relevant documents and records which are not already in U.S. EPA's custody, control or possession, provided, however, that if additional documents retrieved by JHC do not contain references to the Site or do not relate to "the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at [the Site] or transported to" the Site, or to "the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from" the Site, (42 U.S.C. Section 9604 (e)), JHC reserves the right to object to this Information Request and refrain from producing copies of such documents with any supplemental Information Request response.

3. For any JHC officers, directors, and employees involved in matters described in response to question number 2 above, identify such person(s) and their job title and responsibilities at both JHC and the Site. Identify and produce copies of any documents associated with any persons named in response to this question in connection with their involvement in such activities at the Site, unless already provided in response to question number 2 above.

RESPONSE:

Robert James
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465
rjames@jones-hamilton.com

President and CEO of
Jones-Hamilton Co.
(In charge of managing and
running JHC)

Brian Brooks
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465
bbrooks@jones-hamilton.com

Chief Financial Officer of Jones-
Hamilton Co.
(In charge of financial operations and
financial systems of JHC)

Evert Talbot
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465
etalbot@jones-hamilton.com

Chemical Division Manager of Jones-
Hamilton Co.
(Arranges sales, purchases and
distribution of HCI for JHC)

At the time of JHC's initial loan to NCI, Robert James was named to the NCI board of directors and Brian Brooks was appointed as an ex-officio (non-voting)

member of the NCI board of directors. In January of 2008, Evert Talbot was appointed to the NCI board of directors. In addition to their board positions, Mr. James, Mr. Brooks and Mr. Talbot were members of the Norphlet Operating Committee, whose function was to oversee the evaluation of the feasibility of production of the Site in 2008. Mr. Talbot was in charge of the evaluation of the feasibility of production at the Site from January, 2008, until October, 2008. There was no production at the Site in 2008; consultants, engineers and other contractors were brought in to evaluate the time, money, equipment and materials necessary to make the plant operational. The Operating Committee concluded in October, 2008, that it would be too expensive to get the project up and running.

4. List the dates and time frames during which JHC was involved in any matters described in response to questions number 2 and 3 above. Identify and produce any copies of any documents associated with your response to this question, unless already provided in response to questions number 2 and 3 above.

RESPONSE:

Please see the response to Information Request 2 above.

5. Describe the role of JHC as it pertains to the contractual agreement to purchase HCL from NCI. Identify and produce copies of the contract/agreement regarding the JHC purchase of HCL from NCI and any related documents, including financial documents, unless already provided in response to questions number 2 through 4 above.

RESPONSE:

Please see the response to Information Request 2 above.

6. What was your involvement with Tulstar, if any, in connection with the NCI facility or the Site, including a description of any activities and dates and time frames for the same? Identify and produce copies of any related documents, including any agreements, contracts, invoices, and the like, unless already provided in response to questions number 2 through 5 above.

RESPONSE:

Please see the response to Information Request 2 above.

7. What involvement did JHC have with the production, storage, or disposal of HFC-134a, or its process wastes or by-products at the Site? Explain in detail. Identify and produce copies of any related documents, unless already provided in response to questions number 2 through 6 above; and identify any persons knowledgeable of this issue.

RESPONSE:

JHC was not involved with the production, storage, or disposal of HFC-134a, or its process wastes or by-products at the Site. JHC served only as a marketer of HCl.

As board members of NCI, Messrs. James, Brooks and Talbot were aware of a request from NCI employees to contract with Clean Harbors to remove and properly dispose of waste acid, tars and tantalum stored in plastic totes at the NCI facility in June, 2008. The NCI Board authorized payment to Clean Harbors for such removal and disposal.

8. Describe JHC's relationship with Mexichem, if any. Identify and produce any documents, including contracts, agreements, and invoices, related to such relationship in connection with the Site, unless already provided in response to questions number 2 through 7 above; and identify any persons knowledgeable of this relationship.

RESPONSE:

Not applicable. JHC had no relationship with Mexichem whatsoever.

9. Identify and describe JHC's corporate organization, including state of incorporation, principal place and nature of its business, officers, directors, stockholders, and any subsidiary or parent corporations. Identify and produce any documents related to your response to this question, unless already provided in response to questions number 2 through 8 above.

RESPONSE:

Since January 1, 2006, JHC has been an Ohio corporation, and is located at 30354 Tracy Road, Walbridge, Ohio 43465, www.jones-hamilton.com. The full name of JHC is Jones-Hamilton Co. JHC has no parent or subsidiary companies. JHC is an employee-owned company that was initially formed in California during the 1950's. JHC is a manufacturer and marketer of sodium bisulfate and HCl. JHC is also a reseller of HCl. JHC products are sold throughout the world, but its primary markets are located in North America. JHC is governed by a five person board of directors. The board is comprised of the following members: Kern Hamilton, Robert James, Richard Elwood, Bernie Murphy and Brian Brooks. The contact information for Robert James and Brian Brooks is included in the responses to Information Requests 1 and 3 above. The contact information for the other three directors is as follows:

Kern Hamilton
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465

Director

Richard Elwood
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, Ohio 43465

Director

Bernie Murphy
Jones-Hamilton Co.
30354 Tracy Road
Walbridge, OH 43465
bmurphy@jones-hamilton.com

Director, Vice President-Operations

10. State whether there are any corporate relationships between JHC and NCI and describe those relationships, if any. Identify and produce any documents related to such relationships in connection with the Site, unless already provided in response to questions number 2 through 9 above; and identify any persons knowledgeable of such relationships.

RESPONSE:

There are no corporate relationships between JCH and NCI except as described in response to Information Request 2 above.